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## **PRIVACY NOTICE OF DR SCHALK DU TOIT**

### **Introduction:**

In this document, reference to “Dr Schalk Du Toit”, “we” or “us”, refer to **Dr Schalk Hugo Du Toit**. Should you be uncertain whether this privacy notice applies, please see our contact details herein to lodge a query.

Dr Schalk Du Toit and staff respect your privacy and are committed to ensuring that your personal information is collected and used properly, lawfully, and transparently.

This privacy notice explains how we use, store, process and disclose the personal information you provide to us or which we receive from other medical service providers related to your medical care, in accordance with the requirements of the Protection of Personal Information Act (‘POPIA’).

Please read the following carefully to understand our practices regarding your Personal Information. By providing you Personal Information to us or by using our services, you are consenting to the practices as described or referred to in this privacy notice.

### **Guide To Contents:**

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## **1. Who We Are:**

Dr Schalk Du Toit is a registered Ophthalmologist with a special interest in retinal, glaucoma and cataract surgery.

He has dedicated his career in obtaining up to date, evidence based clinical knowledge to allow him to give the best quality care with the latest technology in the form of equipment to his patients.

Dr Schalk Du Toit and his staff understand patient confidentiality and have signed a confidentiality agreement with regards to personal information. All the staff have received POPIA training and internal measures have been put into place under the guidance of SEESA's POPIA expert.

## **2. The Type of Personal Information We Collect:**

Personal information includes any information that allows Dr Schalk Du Toit to identify you, such as your name/s and surname combined with your physical address, contact details and/or passport/identity number.

In terms of South African legislation, personal information also refers to the personal information that identifies legal entities, such as the trading name of a company combined with the company registration number.

Special personal information refers to Information regarding race or ethnic origin, religious and philosophical beliefs, political persuasion, trade union membership, health or sex life, biometric information or any criminal behaviour which relates to alleged criminal offences or proceedings.

With regards to the service you receive from Dr Schalk Du Toit, your special personal information will be collected and stored. This will mostly include health information that you have shared with Dr Schalk Du Toit and medical information resulting from your consultation, referral letters from your medical service providers, medical investigations, and surgical notes.

### **Types of personal information that will be processed in the scope of the Service Agreement:**

- Special Personal Information (Health Information)
- Medical Aid Information
- Postal and/or Street Address
- Title and Name
- Contact Numbers and/or E-Mail Address
- Ethnic Group
- Employment History
- Age
- Gender
- Marital Status
- Nationality
- Language
- Financial Information
- Identity or Passport Number



### 3. Where and When Do We Collect Personal Information:

Most of the personal information we process is provided to us directly by one of the following methods:

- Directly from you, from the completed and signed Patient Information Form
- Based on the clinical information Dr Schalk Du Toit obtains from taking a history, doing a clinical examination, using various testing equipment and doing special investigations.
- From third parties including referring doctors, optometrists, and specialists.
- Based upon your correspondence with us, such as through e-mails, letters and telephone calls.

### 4. When Will We Process Your Personal Information:

In terms of the Protection of Personal Information Act (POPIA), the justification ground which we base our processing on consists of the following:

- The data subject or a competent person where the data subject is a child **consents** to the processing. Kindly note that you have the right to withdraw your consent;
- The processing is **necessary** to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
- The processing complies with an **obligation** imposed by law on the business;
- The processing protects a **legitimate** interest of the data subject;
- The processing is necessary for the proper performance of a **public law** duty by the business; OR
- The processing is necessary for pursuing the legitimate **interests** of the business or of a third party to whom the information is supplied.

We will use your personal information only for the purposes for which it was collected and agreed to by you.

### 5. When Will We Process Your Special Personal Information:

Special personal information refers to the following categories of information:

- Religious and philosophical beliefs;
- Race;
- Ethnic origin;
- Trade union membership;
- Political beliefs;
- Health including physical or mental health, disability and medical history;
- Biometric information;
- Criminal behaviour where it relates to the alleged commission of any offence or the proceedings relating to that offence.

We will process special personal information in the following instances:

- You have consented to processing it (in circumstances where we are legally obliged to obtain your consent); or
- It is necessary to exercise or defend a right or obligation in law; or
- It is necessary to comply with an international legal obligation of public interest; or
- It is for certain historical, research or statistical purposes that would not adversely affect your privacy; or
- You have deliberately made your personal information public.



## **6. How We Use Your Information:**

### **○ Services:**

We use the data we have about you (e.g. the data you provide, data we collect from your engagement with our services) to render the requested services to you.

### **○ Communications:**

We will contact you, as well as enable communications between yourself and our service department, via e-mail, mobile phone, and text messages.

### **○ Sensitive and Special Personal Information:**

We will only use your sensitive and special personal information insofar as we are permitted by Law to do so.

### **○ Collection:**

Enforcing our obligations, including without limitation to the collection of amounts outstanding from you for services rendered by us.

## **7. How We Share Your Information:**

### **○ Third Party Service Providers:**

We may disclose your personal information to other relevant service providers who are involved in your medical treatment at the time of your treatment with Dr Schalk Du Toit. These relevant service providers include insurance companies, managed healthcare organisations, medical schemes, and medical scheme administrators.

The practices of Dr Schalk Du Toit and Dr Theunis Botha are distinct but are working in association with each other and have access to each other's patients' information. Dr Schalk Du Toit may, from time to time, be unavailable to consult with you and render care to you. In such circumstances you may be seen by Dr Theunis Botha who practices in association with Dr Schalk Du Toit.

We also disclose your contact and personal information, but not your special personal information, to our billing administrator service provider, Xpedient Medical, in order to process and follow up on submitted claims to your medical aid and follow up with you regarding short payments and overdue accounts.

We will share your information with third party service providers for the purposes of our off-site digital storage of information on our I.T. billing system and for scanning to digital format for our own storage of said digital format and then confidential destruction of the print information, such as dormant patient folders.

In the unfortunate event of no payment or incomplete payment by yourself or your medical insurance to Dr Schalk Du Toit for the agreed to services, we will share your personal information excluding your special personal information with debt collectors or legal team for the purpose of obtaining payment.

### **○ Legal Disclosures:**

The National Health Act, 2003 also permits us to disclose your Personal Information in the following circumstances:

- You consent to this disclosure in writing.
- A court order or any law requires that disclosure; or
- Non-disclosure of the information represents a serious threat to public health.



- Next of Kin

As a patient or account payer you may supply Dr Schalk Du Toit with your next of kin's personal information for the purpose of contact. It is your responsibility to ensure that your next of kin would not object to the provision and or processing of their Personal Information.

## 8. How We Store and Protect Your Personal Information:

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process your personal information on our specific instructions, and they are subject to a duty of confidentiality.

Our security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Investigating and reacting to security incidents.

## 9. Your Rights and Access to Information:

- Data Retention:

We keep your personal information while we still need to provide you with services or where we are legally obligated to do so.

We will process your information while you keep on making use of our services. This includes any information you have provided to us or we have collected from third parties as set out in this privacy notice.

We will also keep your information where you have agreed for us to do so, or have given your consent that we are allowed to do so.

- Rights to access and control your personal information:

You have rights in connection with your personal information. You have many choices about how your information is collected, used and shared.

In certain circumstances, by law, you have the right to:

- **Request access to your information:** You will be able to ask us what information we have about you as well as ask for a copy of this information. This should be done on request to [dutoitpe@icloud.com](mailto:dutoitpe@icloud.com). There are some exemptions, which means you may not always receive all the information we process.
- **Change or correct information:** You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.



- **Delete information:** You can ask us to delete or remove personal information under certain circumstance.
- **Object to processing:** You can do this where we are relying on your legitimate interest, public interest, or our legitimate interest (or those of a third party) and there is something about your situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for where you have given your consent for the specific processing, and you want to retract your consent. Retracting your consent does not invalidate your information we lawfully processed while we had your consent to do so.
- **Request the restriction of processing:** You can ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.

If you want to make a request in respect of your rights above or object to the processing of your personal information or retract your consent, please send an email to [dutoitpe@icloud.com](mailto:dutoitpe@icloud.com).

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

## **10. Changes to Our Privacy Notice:**

We endeavour to keep our Privacy Policy under regular review and as a result it may be amended from time to time without notice. As a result, we encourage you to review this Privacy Policy regularly.

## **11. Contact Details:**

Should you have a query, please send an email to the Information Officer of this practice:

Name: Dr Schalk Du Toit  
 Address: Consulting Suite 1, Bay Eye Hospital, 241 Main Road, Walmer, Port Elizabeth, 6070  
 Phone Number: 041 880 1401  
 E-mail: [dutoitpe@icloud.com](mailto:dutoitpe@icloud.com)

## **12. How to Complain:**

You have the right to lodge a complaint with the South African Information Regulator if you are unhappy with how we have used your Information.

### **The Information Regulator's contact details are as follows:**

#### **The Information Regulator (South Africa)**

33 Hoofd Street, Forum III, 3rd Floor Braampark  
 P.O Box 31533, Braamfontein, Johannesburg, 2017

**Complaints email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

